

REMARKS

I. Amendment

By this amendment, claim 1 has been amended.

This amendment adds no new matter to the specification.

II. Discussion of Objected-to Claim 5

The Examiner has indicated that claim 5 would be allowable if re-written as an independent claim. Applicants acknowledge this indication of allowable subject matter, but believe that claim 1 should now also be allowable in light of the amendments made herein as indicated in Sec. III below; obviating any need to make claim 5 independent in order for it to be allowable. Therefore, Applicants respectfully request that the objection to claim 5 be removed.

III. Discussion of the Rejection under 35 U.S.C. Sec. 102(b) in view of Pfeifer *et al.*

Claims 1 and 2 have been rejected under 35 U.S.C. Sec. 102(b) as allegedly anticipated by Pfeifer *et al.* (PNAS, Vol. 90, pages 5123-5127, 1993). Applicants respectfully traverse this rejection.

By this amendment, Applicants have further modified independent claim 1 to clarify that the first alternative refers to the activity of enzymes CYP1A1, CYP1A2 and CYP3A. This amendment adds no new matter to the specification. Support for the amendment may be found at page 8, line 20 – page 9, line 8 of the specification *inter alia*.

Applicants assert that the aspects of their invention as set forth in claim 1 as amended are not anticipated by the cited reference.

Claim 2 depends upon claim 1. Applicants therefore also assert that the more specific dependent claim is also not anticipated for the reason provided above.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection in view of Pfeifer *et al.*

IV. Discussion of the Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement and three references accompany this response. Consideration and entry into the record are respectfully requested.

V. Conclusion

Reconsideration of the claims as amended and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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